

**REMARKS**

Claims 1-37 are pending. By this Amendment, claims 1-9, 12-17, 20-25, 28-30 and 32-37 are amended. The claims are amended to improve their grammar and clarity and to even more clearly distinguish over the applied reference. No new matter is added by the amendments.

**I. Consideration of Reference**

The Office Action returned a signed copy of the PTO-1449 from an Information Disclosure Statement filed with this application on March 12, 2001. However, the reference identified under the heading "Other Documents" was not initialed. The Examiner is requested to consider that reference and initial the PTO-1449 adjacent to that reference. The exact publication date of that reference is not known by Applicant. However, the reference published prior to December 1989.

**II. Claim for Priority**

A certified copy of the priority document of this application was filed with this application on March 12, 2001. The Examiner is requested to acknowledge Applicant's claim for priority and confirm receipt of the certified priority document.

**III. All Pending Claims are Patentable**

Claims 1-37 stand rejected under 35 U.S.C. §112, second paragraph. The claims have been amended to address the issues identified in the Office Action. Withdrawal of the rejection is requested.

Claims 1-37 stand rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,154,295 to Fredlund et al. This rejection is respectfully traversed.

Fredlund et al. discloses an arrangement in which a user submits a negative or slide film from which a digital negative is created. The customer then receives an index print. By using information forwarded with the index print, the customer is then permitted to order

additional prints of the same digital images. If the order is made within a certain time, "special price advantages may be offered." See col. 3, lines 41-57 of Fredlund et al. The Fredlund et al. system is limited to ordering prints of the same images that were previously submitted and/or ordered.

The present application discloses arrangements in which a customer (user) is given a discount if the customer is a repeat-user of service(s), preferably within a predetermined time period, regardless of the content of the digital image data. That is, the charge for a print order is determined based on prior usage of service(s) by the user, not based on whether the print is a duplicate of a previously-ordered print. Fredlund et al. does not disclose or suggest such arrangements.

Accordingly, independent claims 1 and 14 are patentable over Fredlund et al. because Fredlund et al. does not disclose or suggest an arrangement in which a print charge for a present print order is determined by deducting a predetermined amount, regardless of a content of a previous order, if it is determined that the same user has placed the present print order within a predetermined time period (one month in claim 14) of the previous order.

With respect to independent claim 20, Fredlund et al. does not disclose or suggest a laboratory system that produces a print of digital image data in response to an order from a user, in which a print charge for a present print order is determined based on whether or not the user that placed the present print order has previously ordered a print with the same laboratory system, regardless of a content of the present print order.

With respect to independent claim 28, Fredlund et al. does not disclose or suggest a service front that handles a plurality of print services for delivering a print of digital image data to a user, in which a print charge of a present print order is determined based on whether or not the user that placed the present print order has previously ordered prints with the same

service front, regardless of a content of the digital image data, and regardless of the laboratory system that was used to produce the prints.

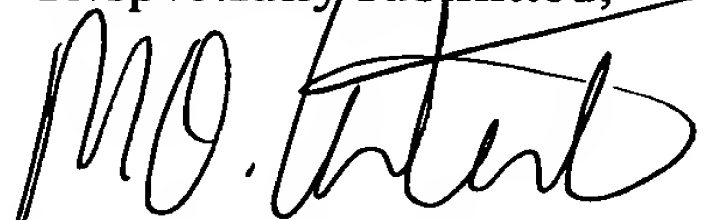
Accordingly, all independent claims and their dependent claims are patentable over Fredlund et al.

#### **IV. Conclusion**

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



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MAC/ccs

Attachment:

Partially-initialed PTO-1449

Date: June 27, 2005

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